



**REGULAR MEETING OF THE INLAND WETLAND AND WATERCOURSES AGENCY
MIDDLETOWN CONNECTICUT
JANUARY 6, 2016**

A. Call to Order / Pledge of Allegiance

Meeting commenced at 7:00 PM with the Pledge of Allegiance

Present: Commissioner Joe Carta, Commissioner Robert Whitney, Commissioner Trevor Davis, Commissioner David Pritchard, Commissioner Fred Terrasi, Commissioner Daniel Pelletier, Commissioner Gabriel Russo, Commissioner Constance Kisluk

Absent: Commissioner Hector Bartoli, Commissioner Jack Pieper

Staff: Linda Reed, CZEO – Zoning & Inland Wetlands Enforcement Officer

Public: 7 members of public

Commissioner Robert Whitney moved, seconded by Commissioner Fred Terrasi to amend the agenda to add the Election of Officers. Vote was approved unanimously.

A.1 Annual Organizational Meeting - Election of Officers

Chair

Vice Chair

Commissioner Robert Whitney nominated Joe Carta as Chairman, seconded by Commissioner David Pritchard. The chair called for the vote. It was unanimous for Joe Carta as Chair with 8 aye votes. The chair stated the matter passes unanimously with 8 affirmative votes.

Commissioner Joe Carta nominated Bob Whitney as Vice-Chair, seconded by Commissioner Fred Terrasi. The chair called for the vote. It is unanimous for Bob Whitney as Vice-Chair with 8 aye votes. The chair stated the matter passes unanimously with 8 affirmative votes.

Commissioner Joe Carta nominated Linda Reed, the City's ZEO/WEO, as Secretary, seconded by Commissioner Fred Terrasi. The chair called for the vote. It is unanimous for Linda Reed as Secretary with 8 aye votes. The chair stated the matter passes unanimously with 8 affirmative votes.

B. Public Hearing

None

C. Old Business

1. Continued: Proposed activity to level off land and gain access to property on side of pond at 1662 Saybrook Road. Applicant/agent Patsy Nettis 15-10

Phil Nettis spoke for the applicant. He explained that he is still waiting for the DEEP species diversity report.

Mr. Nettis passed out the following information to the Commission:

- pictures of the site;
- a map showing the location of equipment to be removed; and
- his written response to staff questions.

Mr. Nettis reviewed his responses to staff comments regarding fill; he will get clean fill from the Water & Sewer Dept. He explained the planting plan as listed on “responses to concerns from IWWA and staff”.

Commissioner Davis said he had visited the site. It is an old quarry and it is evident what he is proposing to do. He has no problems with the activity.

Mr. Nettis explained that this proposed activity is small. He is only proposing to reestablish and repair the path which is already there. He is not cutting into the adjoining woods.

Commissioner Pelletier asked what would be needed to get more time, if needed, as it is day 63 and they only have 65 days to make a decision on an application. Ms. Reed explained the state statute Section 8-7d(b) provides for an extension of time of up to 65 days for an Agency to review an application. That extension of time must be provided in writing by the applicant.

Commissioner Whitney moved to approve the proposed activity to level off land and gain access to property on side of pond at 1662 Saybrook Road with the stipulation that staff receives all the information it has asked for. Seconded by Commissioner Davis. A Commission discussion ensued. Ms. Reed asked the Commission for clarification; e.g. if any plans would be needed or just based on staff evaluation in the field. The consensus was that Mr. Nettis knows what is needed because he was a member of the Inland Wetland Commission for many years. The chair called for the vote. It is unanimous to approve with conditions with 8 aye votes. The chair stated the matter passes unanimously with 8 affirmative votes.

D. New Business

1. Proposed tennis courts located within an upland review area on Newtown Street.
Applicant/agent City of Middletown Public Works Dept. 15-13

Commissioner Robert Whitney moved to schedule a public hearing for the February 3rd meeting for proposed tennis courts located within an upland review area on Newtown Street. Commissioner David Pritchard seconded the motion. The chair calls for the vote. It is unanimous to schedule a public hearing with 8 aye votes. The chair states the matter passes unanimously with 8 affirmative votes.

E. Agency Review

1. Staff report - update on properties subject to existing Cease & Desist Orders:

*** 26 Tavern Circle**

Cease & desist order continues. The homeowners, after meeting with the City's Environmental Planning Specialist, Michelle Ford, advised our office, by letter dated 12/15/15, that they have decided not to apply to IWWA for a fill permit. They will remove the fill from the site within the

next 60± days (mid-February), weather permitting. They will hay the exposed area to stabilize for winter and seed in the spring.

*** 1385 Newfield Street**

Ms. Reed explained the violations at 1385 Newfield, which were the subject of an IWWA show cause hearing in December 2015. The cease & desist order is in place. Per letter, dated 12/29/2105, the owners have hired Chris Bell as engineer. He expects to have a plan for staff review by the February meeting.

***1003 Newfield Street**

Commissioner Davis asked about the mulch piles in the front parking lot at Wild Bill's site. Ms. Reed explained that an order is in place in response to filling in the regulated area, creating a compost facility on site. There is also a companion zoning order for filling in the floodplain, which is not under IWWA jurisdiction. Full compliance is due by June 1, 2016. Fines are cumulative.

2. Show Cause Hearing -- 13 Red Glen Road and "Common Land" of Wesleyan Hill Association

All parties were in attendance. On response to multiple complaints of clear-cutting in a wetland, staff visited the area. Ms. Reed spoke with the landscaping workers on site and work stopped immediately. The landscapers contacted the owners. Ms. Reed summarized the nature of the violation as cited in the Cease & Desist order of 12/17/15.

Chairman Carta stated that in years past, in the Yellow Section of Wesleyan Hills, phragmites were so overgrown and thick it could not be passed. The fire department stated that it could be a fire hazard so permission was granted for to clear cut that area. Staff consensus is that, although the owners probably did not realize that they were clearing in a regulated area, clearing invasive plant species was, in fact, good for that ecosystem.

Commissioner Whitney asked what the next step was. Ms. Reed explained that sediment & erosion control in the form of a wood chip berm is in place, cut brush has been removed, and the site is stabilized for winter. The next step is approval of a planting/ site restoration plan and implementation that plan. Staff will keep the Commission informed of all progress. Ultimately, an application for a permit will be submitted to IWWA.

F. Reports of Officers and Committees

None

G. Public Open Forum

None

H. Minutes

December 2, 2015

Commissioner Trevor Davis moved for approval of the minutes of December 2, 2015. Commissioner Fred Terrasi seconded the motion. The chair calls for the vote. It is 5 aye votes by Commissioners Carta, Davis, Pritchard, Terrasi and Kisluk. Commissioners Whitney, Pelletier and Russo abstained. The Chair states the matter carried with 5 affirmative votes.

I. Communication and Bills

- Ms. Reed summarized a letter from Eversource, explaining that they will be doing routine vegetation management, which basically states that they will keep clear the right of way using approved herbicides and selective cutting. They have received their DEEP and EPA permits.
- Ms. Reed distributed copies of correspondence from DEEP, summarizing some legislative changes to Inland Wetland laws. She gave a brief summary of these new laws.
- A notice of violation was sent for the property at Homes at Ridgewood with a compliance date of 1/11/16. Storm water is being discharged from drains in the property that have been tied into the city storm sewer system. Independent of our office's action, DEEP has issued a notice of violation with fines.

J. Adjournment

Commissioner Pritchard moved to adjourn at 7:55 PM. Commissioner Kisluk seconded the motion. The chair called for the vote. It is unanimous to adjourn with 8 aye votes. The chair stated the matter passes unanimously with 8 affirmative votes.

Respectfully submitted,

Linda Reed
CZEO